

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 08-10342-RWZ

UNITED STATES OF AMERICA

v.

KEITH A. CARLUCCI

ORDER
January 7, 2009

ZOBEL, D.J.

Keith A. Carlucci pled guilty to two petty offenses: (1) having a dog off a leash in a National Park, the Bunker Hill Monument, in violation of 36 C.F.R. § 2.15(a)(2); and (2) disobeying a lawful order in violation of 36 C.F.R. § 2.32(a)(2), and the Magistrate Judge imposed a fine of \$620 which the parties had jointly recommended. As also agreed, the government then dismissed a third charge, providing false information.

Defendant has filed an appeal from the judgment on the grounds that he was not aware of the rule against off leash dogs and that the sign announcing the prohibition was located at the top of the stairs and not viewable until one arrives there, the exact place where he released the dog. Defendant also suggests that the fines are excessive.

This court sits as a court of appeals in this matter and can, therefore, decide only legal issues, or more specifically, correct errors of law committed by the Magistrate Judge. None of defendant's grievances about this incident concern any errors by that

judge. Indeed defendant's only complaint about any of the judge's rulings concerns the fine. As to that, the judge had wide discretion and on this record it cannot be said that he abused that discretion, especially where he accepted the parties' joint recommendation.

It is certainly regrettable that a walk with the dog had such an ignominious end, but poorly placed though the sign may have been and well behaved though the dog may have been, neither of these facts can support the appeal. Accordingly, the appeal is dismissed.

January 7, 2009

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE